

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document, and for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449. Applicants also acknowledge the Examiner's objections to the drawings and notes that the Examiner has not indicated that the drawings have been approved by the Official Draftsperson on a Form PTO-948. Applicants are submitting herewith an amendment to the specification, including the required corrections. The Examiner is thus requested to indicate that Applicants' drawings are acceptable in the next Official Action.

Applicants acknowledge with appreciation the Examiner's indication that claims 10, 12-14, 17, and 20 are allowable, and that claims 3, 4, 7, 8, 11, and 19 contain allowable subject matter.

Upon entry of the above amendment, the specification will have been amended, claims 1, 2, 9, 11, 15, 16, and 18 will have been amended, and newly presented claims 21-26 will have been added. Accordingly, claims 1-26 are currently pending. Applicants respectfully request reconsideration of the outstanding objection and rejection and allowance of claims 1-26 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include the reference numerals “52” and “55”, which are not mentioned in the specification. In response thereto, Applicants have amended the specification at pages 25-26 and 26-27 to include the reference numerals “52” and “55”, respectively. Accordingly, in view of the above noted amendments and remarks, the drawings are believed to fully comply with 37 C.F.R. § 1.84(p)(5) and Applicants respectfully request reconsideration and withdrawal of the outstanding objection to the drawings.

The Examiner has objected to the abstract as containing greater than 150 words. In response thereto, Applicants have amended the abstract to contain fewer than 150 words. Accordingly, in view of the above noted amendments and remarks, it is believed that the objection to the abstract has been overcome, and Applicants respectfully request reconsideration and withdrawal of the outstanding objection to the abstract.

The Examiner has rejected claim 11 under 35 U.S.C. § 112, second paragraph, as lacking proper antecedent basis for “said plurality of connecting rods”. In response thereto, Applicants have amended claim 11, line 5 to recite “a plurality of connecting rods”. Accordingly, in view of the above noted amendments and remarks, claim 11 is believed to fully comply with 35 U.S.C. § 112, second paragraph, and Applicants respectfully request

reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claims 1, 2, 5, 6, 9, 15, 16, and 18 under 35 U.S.C. § 103(a) as being unpatentable over SATOU et al. (EP 0 962 993) in view of BECHTOLD et al. (U.S. Patent No. 5,766,798).

Although Applicants do not necessarily agree with the Examiner's rejection of claims 1, 2, 5, 6, 9, 15, 16, and 18 on this ground, nevertheless, Applicants have amended independent claims 1, 2, 9, 15, 16, and 18 to clearly obviate the above noted ground of rejection in order to expedite prosecution of the present application. In this regard, Applicants note that SATOU et al. and BECHTOLD et al. fail to teach or suggest the subject matter claimed in amended claims 1, 2, 9, 15, 16, and 18.

In particular, claims 1 and 9, as amended, set forth a prismatic battery module including, inter alia, "a prismatic battery case constructed by connecting a plurality of prismatic cell cases together in series, each said prismatic cell case having short lateral walls and long lateral walls, said plurality of cell cases being separated from one another by separation walls comprising said short lateral walls respectively,". Claim 15, as amended, sets forth a method for manufacturing a prismatic battery module including, inter alia, "forming a prismatic battery case having a plurality of cell cases therein, each said prismatic cell case having short lateral walls and long lateral walls, said plurality of cell cases being

connected together in series via associated separation walls comprising said short lateral walls and connection apertures, each connection aperture being located in a central portion of each of said separation walls”. In the first embodiment of the battery module of the present invention, each of the prismatic cell case has short lateral walls and long lateral walls. Further, the battery case is constructed by connecting the prismatic cell cases such that each pair of cell cases shares short lateral walls as the separation wall. In other words, the separation walls comprise the short lateral walls. See particularly figures 1A and 1B, and page 19, lines 10-16 of the instant specification.

However, the SATOU et al. publication discloses a battery including a plurality of battery cases 3 connected together to form a unitary battery case 51, in which the battery cases are connected together by welding the long lateral walls of the cases. See particularly figures 1-3 of the SATOU et al. publication. Additionally, SATOU et al. fails to disclose a connection aperture formed in a central portion of a separation wall. Therefore, the SATOU et al. publication does not show a device and method including a plurality of cell cases separated from one another by separation walls comprising short lateral walls, as set forth in amended claims 1, 9, and 15.

Further, claim 2, as amended, sets forth a prismatic battery module including, inter alia, “a prismatic battery case having a single internal space therein, said single internal space formed by a plurality of cell cases connected together in series;”. Claims 16 and 18, as

amended, set forth a method for manufacturing a prismatic battery module including, inter alia, “forming a prismatic battery case having a single internal space formed by a plurality of prismatic cell cases connected together in series therein”. In the second embodiment of the battery module of the present invention, the prismatic battery case includes a single space formed by the connection of a plurality of cell cases together in series. See particularly figures 2A and 2B, and page 22, lines 7-11 of the instant specification.

However, the SATOU et al. publication discloses a battery including a plurality of battery cases 3 connected together to form a unitary battery case 51, in which the battery cases are connected together by welding the long lateral walls of the cases. See particularly figures 1-5 of the SATOU et al. publication. Accordingly, the SATOU et al. device does not include a single space formed by the connection of a plurality of cell cases in series. Therefore, the SATOU et al. publication does not show a device and method including a battery case having a single internal space formed by a plurality of cell cases connected together in series, as set forth in amended claims 2, 16, and 18.

The BECHTOLD et al. patent is directed to a single cell. The BECHTOLD et al. patent does not disclose a battery module including a plurality of cell cases connected in series. Moreover, the BECHTOLD et al. patent fails to teach or suggest a plurality of cell cases separated from one another by separation walls comprising short lateral walls, or a battery case having a single internal space formed by a plurality of cell cases connected

together in series. Therefore, the BECHTOLD et al. patent fails to cure the deficiencies of the SATOU et al. device and method, and even assuming, arguendo, that the teachings of SATOU et al. and BECHTOLD et al. have been properly combined, Applicants' claimed prismatic battery and method for manufacturing a prismatic battery would not have resulted from the combined teachings thereof.

Further, there is nothing in the cited prior art that would lead one of ordinary skill in the art to make the modification suggested by the Examiner in the rejection of claims 1, 2, 9, 15, 16, and 18 under 35 U.S.C. § 103(a) over SATOU et al. in view of BECHTOLD et al. Thus, the only reason to combine the teachings of SATOU et al. and BECHTOLD et al. results from a review of Applicants' disclosure and the application of impermissible hindsight. Accordingly, the rejection of claims 1, 2, 9, 15, 16, and 18 under 35 U.S.C. § 103(a) over SATOU et al. in view of BECHTOLD et al. is improper for all the above reasons and withdrawal thereof is respectfully requested.

Applicants submit that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in newly submitted claims 21-26. Further, claims 3, 4, 7, 8, 11, and 19 which the Examiner has indicated contain allowable subject matter, have been rewritten in independent form as claims 21-26, respectively.

P21763.A051.WPD

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections, and an early indication of the allowance of claims 1-26.

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

In response to the Reasons for Allowance attached to the Official Action, Applicants wish to clarify the record with respect to the basis for the patentability of claims in the present invention.

In this regard, while Applicants do not disagree with the Examiner's indication that (as noted by the Examiner) "[n]either EP 0962993 nor Bechtold et al. teach or suggest such structural embodiments, and therefore the combination of references would not lead one skilled in the art to the claimed invention", Applicants further wish to make clear that the claims in the present application recite a combination of features, and that patentability of these claims is also based on the totality of the features recited therein, which define over the prior art.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-26. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

P21763.A051.WPD

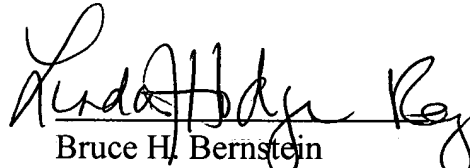
Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present amendment and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
T. Asahina et al.

 Reg No 47348
Bruce H. Bernstein
Reg. No. 29,027

August 19, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191